

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Jeffrey D. Gilbert

v.

Case No. 04-cv-327-PB

Atlantic Trust Company, N.A.

NOTICE OF RULING

Re: Document No. 16, Motion for Judgment on the Pleadings  
With Respet to Count VI

**Ruling:** Motion granted. Assuming for purposes of analysis that defendant might otherwise be subject to liability under N.H. Rev. Stat. Ann. § 421-B:3 and 4, I grant the motion because plaintiff has failed to plead fraud with the particularity required by Fed. R. Civ. P. 9(b). See Karvelas v. Melrose-Wakefield Hosp., 360 F.3d 220, 226 (1st Cir. 2004).

Entered by: Paul Barbadoro, U.S. District Judge

Date: September 3, 2005

cc: Michael C. Harvell, Esq.  
John-Mark Turner, Esq.  
Martha Van Oot, Esq.